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Atty. Docket No. CA1432  
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/787,372

**REMARKS**

Claims 1-21 are all the claims pending in the application. Claims 1, 11 and 21 are being amended. No new matter is being introduced.

**Objection to Specification**

The Examiner objected to the title of the patent application as not descriptive. In response, Applicant amends the title of the application to read "Data storage system with redundant storage media and method therefor." The Applicant's amendment is believed to overcome the Examiner's objection.

**Claims 1-6, 11-16 and 21**

The Examiner rejected claims 1-6, 11-16 and 21 under 35 U.S.C. 102(b) as being allegedly anticipated by Mari (Japanese publication No. 08-046685). Applicant respectfully traverses this rejection in view of Applicant's amendments to independent claims 1 and 11 and further in view of the following arguments.

Specifically, with respect to claims 1 and 21, Mari fails to teach or suggest a claimed feature of the invention recited in the amended claim 1, wherein the storage system includes a storage failure module operable to determine whether at least a portion of the storage system has failed; and a manager operable to manage and modify a total capacity based on the failure of the portion of the storage system, wherein the manager causes a warning event when the storage system has reached a threshold capacity of the total capacity as modified. With respect to claim 11, Mari fails to teach or suggest determining whether at least a portion of the storage system has failed; modifying a total storage capacity based on the failure of the portion of the storage

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system; and causing a warning event when the storage system has reached a threshold capacity of the total capacity as modified.

In more detail, Mari discloses a system for automatically selecting a standby system when a hard drive storing a program becomes faulty. The system described by Mari incorporates dual hard drive units 112 and 113 having the same content. For example, hard drive 112 may be in an active state, while hard drive 113 is in standby state. When the active hard drive 112 fails, the standby drive 113 is switched to the active state, see Mari, translated paragraph [0017].

However, Mari never discloses the claimed storage failure module operable to determine whether at least a portion of the storage system has failed; and a manager operable to manage and modify a total capacity based on the failure of the portion of the storage system, wherein the manager causes a warning event when the storage system has reached a threshold capacity of the total capacity as modified. Additionally, Mari does not disclose determining whether at least a portion of the storage system has failed; modifying a total storage capacity based on the failure of the portion of the storage system; and causing a warning event when the storage system has reached a threshold capacity of the total capacity as modified. Therefore, amended independent claims 1, 11 and 21 are not anticipated by Mari.

With respect to dependent claims 2-6 and 12-16, while continuing to traverse the Examiner's interpretation of teachings of Mari used by the Examiner in rejecting those claims, Applicant respectfully submits that the rejection of claims 2-6 and 12-16 is rendered moot by the present amendment of the parent claims 1 and 11, and that these claims are patentable by definition, by virtue of their dependence upon patentable claims 1 and 11.

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Claims 7-10 and 17-20

The Examiner rejected claims 7-10 and 17-20 under 35 U.S.C. 103(a) as being allegedly unpatentable over Mari (Japanese publication No. 08-046685) in view of Guha et al. (U.S. patent No. 7,035,972). Applicant respectfully traverses this rejection in view of Applicant's amendments to the parent independent claims 1 and 11 and further in view of the following arguments.

With respect to dependent claims 7-10 and 17-20, Applicant notes that Guha et al. fails to remedy the aforesaid deficiencies of Mari. Thus, the parent claims 1 and 11 would be likewise patentable over any combination of Mari and Guha et al. Therefore, while continuing to traverse the Examiner's interpretation of teachings of Mari and Guha et al. used by the Examiner in rejecting claims 7-10 and 17-20, Applicant respectfully submits that the rejection of these claims is rendered moot by the present amendment of the parent claims 1 and 11, and that these claims are patentable by definition, by virtue of their dependence upon patentable claims 1 and 11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.


The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

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Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is  
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13th day of December 2006.

  
Monica Moreno